IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 12262 of 2004

Between:

V.R.Vajpai S/o Abbaiah

Ex-Driver, Grade-I of Sangareddy Bus Depot, Medak District

..... PETITIONER

AND

The depot Manager, APSRTC,

Sangareddy Bus Depot, Medak District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondents in deleting the name of the petitioner from approved/Selected candidates list of daily wage conductors as bad, arbitrary, illegal, unjust and unreasonable and violative of Principles of natural justice by setting aside Proc.No.P3/2(8)/2002-SRD dt. 5/08/2002 and consequently direct the respondent to reinstate the petitioner immediately with all consequential benefits.

Counsel for the Petitioner:MR.P.VENKATESWAR RAO

Counsel for the Respondent: MR.K.HARINATH (SC FOR APSRTC)

The Court at the admission stage made the following ORDER:

Questioning the action of the respondent in issuing proceedings vide No.P3/2(8)/2002-SRD, dated 05-08-2002 by deleting the name of the petitioner from approved/selected candidates list of daily wage conductors without conducting any enquiry, the present writ petition is filed.

Learned counsel appearing for the petitioner contended that without conducting any regular departmental enquiry, name of the petitioner was deleted from the approved/selected candidates list and therefore, the respondent's Corporation has violated the principles of natural justice.

On the other hand, learned Standing Counsel for APSRTC appearing for the respondent contended that since the petitioner is a daily wage employee, no enquiry needs to be conducted and the impugned proceedings do not suffer from any legal infirmities so as to call for the interference of this Court.

After giving a show cause notice to the petitioner for causing an accident and after calling for the explanation from him, his name was deleted from the approved/selected list of daily wage Conductors. Admittedly, no regular departmental enquiry was conducted in this case. No doubt, rules and regulations of the Corporation do contemplate for deleting the name of such employee but the

principles of natural justice require that the employee should be given an opportunity to participate in the enquiry. So that, the plea of the petitioner can be substantiated with other evidence. It is also contended by the learned counsel appearing for the petitioner that since the petitioner has already been acquitted in the criminal case, the same may be taken into consideration by the respondent Corporation. It is for the respondent Corporation to take appropriate decision as per rules and regulations of the Corporation. As the impugned proceedings suffer from violation of principles of natural justice, the same shall have to be set aside.

In the result, the impugned proceedings dated 05-08-2002 are set aside and the writ petition is disposed of. However, this order will not preclude the respondent Corporation in taking any disciplinary action against the petitioner as per rules and regulations of the Corporation. In the circumstances, no costs.

16th JULY, 2004.

Note: furnish c.c. in three days.

B/o

Kvni

To

1 The Depot Manager, APSRTC,

Sangareddy Bus Depot, Medak District

2 Two CD copies.